



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107

AUG 28 1992

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Robert Schott  
40 Locust Street  
Macungie, Pa. 18062

Re: Crossley Farm, Hereford Township, PA

Dear Mr. Schott:

This letter is to obtain certain information from you in connection with the Crossley Farm, Hereford Township proposed Superfund Site (Site).

The U.S. Environmental Protection Agency (EPA) is continuing its investigation into the source, extent and nature of the release of hazardous substances, particularly trichloroethylene (TCE), from the Site. This investigation involves, among other things, an inquiry into the transportation and disposal methods employed by Mr. Gus Bales concerning the spent TCE solvent from the Bally Case & Cooler Company (Bally). EPA believes that you might possess information which may assist the Agency in its investigation of the Site. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

Bally has advised EPA that used TCE solvent was placed in 55 gallon drums and the drums were picked up and disposed of by Gus Bales. You have been identified as a helper in the yard where the drums were stored prior to disposal by Gus Bales. Therefore, EPA requires that you please respond in writing fully and completely to the following items within 30 calendar days of your receipt of this letter:

1. Were you present when Gus Bales picked up the drums of spent TCE from Bally? In your response, indicate the number of times and dates that this occurred.
2. Did you or any other Bally employee help load the drums onto Gus Bales' truck? If so, please provide the name and present address, if known, of each of the employees involved.
3. Were there ever any money transactions that you saw or that you handled?

AR200043

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4. Can you identify the person at Bally that contacted Mr. Gus Bales to dispose of the spent TCE drums?

5. Was John or Harry Crossley ever present when Gus Bales picked up the drums of spent TCE from Bally?

6. Did you know that the drums were being transported to the Crossley Farm for disposal?

7. Were you aware of any agreement that Mr. Bales had with the Crossley Brothers?

8. Can you identify other individuals that would have any personal knowledge regarding the above inquiries?

9. Please provide any other information that relates to our investigation of TCE disposal on the Crossley Farm.

We appreciate and look forward to your prompt response to this letter. EPA is convinced that the appropriate investigation and clean-up of hazardous sites can be accomplished only through full participation of all parties, and we note your contribution to this effort through your response to this letter.

If, for a particular reason, you are hesitant to answer this letter because you are concerned about public disclosure of your name in connection with the information you are required to submit, please clearly advise EPA in your response that you request confidential treatment of your identity. EPA cannot guarantee confidentiality, and does not encourage such a request, but we recognize that it may be appropriate in certain instances. In the event that you do request confidential treatment of your identity, EPA will evaluate whether such confidential treatment is warranted in your case. Please do not request confidential treatment of your identity unless you believe it is necessary.

If for any reason you do not provide all information responsive to this letter, you must: (1) describe specifically what was not provided, (2) supply to EPA a clear identification of the document(s) not provided, and (3) provide to EPA an appropriate reason why the document(s) was not provided.

All documents and information should be sent to:

Mary Anne Daly  
U.S. Environmental Protection Agency  
PRP Search Section (3HW11)  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107

AR200044

If you have any questions concerning this matter, please contact Ms. Daly at (215) 597-8981 or Mr. Roy Schrock at (215) 597-0913. Legal questions may be referred to Mr. Charles Hayden at (215) 597-3211.

Sincerely,

*Kenneth E. Kysze*

for Larry S. Miller, Chief  
PRP Search Section

Enclosure

cc: Roy Schrock (3HW22)  
Charles Hayden (3RC31)  
Don Becker, PADER

AR200045

## **Information Requirement Enclosure**

### **Authority to Require Submission of Information**

EPA is authorized to require submission of information under Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. Section 9604(e).

### **Penalties**

Section 104 of CERCLA, 42 U.S.C. Section 9604(e) authorizes EPA to pursue penalties for failure to comply with this section or failure to respond adequately to required submissions of information. In addition, providing false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. Section 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

This required submission of information is not subject to the approval requirements under the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et seq.

### **Definition(s)**

As used in this letter, the term "documents" means: writings (handwritten, typed or otherwise produced or reproduced), and includes, but is not limited to, any invoices, checks, receipts, bills of lading, weight receipts, toll receipts, correspondence, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, books of original entry, minutes of meetings, memoranda, notes, calendar or diary entries, agendas, bulletins, notices, announcements, charts, maps, photographs, drawings, manuals, brochures, reports of scientific study or investigation, schedules, price lists, telegrams, teletypes, photo-records, magnetic voice or video records, tapes, summaries, magnetic tapes, punch cards, recordings, discs, computer printout, or other data compilations from which information can be obtained or translated.

### **Business Confidentiality**

You are entitled to assert a claim of business confidentiality covering all or part of the submitted information, in the manner described in 40 C.F.R. Section 2.230(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2 Subpart B. If a claim of business confidentiality is not asserted at the time the required information is submitted to EPA, EPA may make this information available to the public without further notice to you.

AR200046